



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 172.

An Act for inclosing Lands in the Manor of *East Bedfont with Hatton*, in the Parish of *East Bedfont*, in the County of *Middlesex*. [22d June 1813.]

WHEREAS there are within the Manor of *East Bedfont with Hatton*, in the Parish of *East Bedfont*, in the County of *Middlesex*, divers Open and Common Fields, Meadows, and Pastures, and other Commonable Lands and Grounds, containing together by Estimation Seven hundred Acres; and divers Waste Lands and Grounds, containing together about Four hundred Acres; and also divers inclosed Lands and Grounds, containing together about Two hundred Acres, or thereabouts: And whereas *Hugh Duke of Northumberland* is Lord of the Manor of *East Bedfont with Hatton* aforesaid, and as such is entitled to the Soil of the said Waste Grounds and Commons within the said Manor of *East Bedfont with Hatton*; and *John Lord Bishop of London*, and *Francis Rivers Esquire*, and others, are Owners and Proprietors of Messuages, inclosed Lands and Grounds, and of the said Open and Common Fields, Meadows, and Pastures, and other Commonable Lands and Grounds; and as such Owners and Proprietors in respect of their several Lands and Hereditaments are entitled in different Proportions to Rights of Common and other Rights therein: And whereas the said *Francis Rivers* is the Owner of the Rectorial Tythe of the Hamlet of *Hatton*; and *Henry Whitfield*, Doctor of Divinity, is Vicar of the said Parish of *East Bedfont with Hatton*, and as such is entitled to the Vicarial Tythes of the said Hamlet of *Hatton*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating*
[Loc. & Per.] 34. H. in.

in one Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required to be proved on the passing of such Acts: And whereas the said Waste and Common Lands are, in their present State, incapable of any considerable Improvement, and the same, if divided and inclosed, might be greatly improved; but such Division and Inclosure cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and also the said Waste Lands and Grounds, shall, so soon as conveniently may be after the passing of this Act, be divided, set out, and allotted by *William James of Boswell Court, Carey Street*, in the County of *Middlesex*, and *Thomas Chapman of Richmond*, in the County of *Surrey*, Land Surveyors, or their Successors, to be nominated and appointed in the Manner herein-after mentioned; and the said *William James* and *Thomas Chapman*, or their Successors, are hereby appointed Commissioners for carrying this Act and the said recited Act into Execution, under and subject to such of the Orders and Directions contained in the said recited Act as are not varied or altered, or controuled by or repugnant to any of the Provisions of this Act.

Commissioners appointed.

Appointment of Umpire.

II. And be it further enacted, That *Sir William Gibbons of Stanwell*, in the County of *Middlesex*, Baronet, is appointed to act as Umpire concerning the Premises, in all and every Case where the said Commissioners shall differ in Opinion, but not in any other Case; and where any Difference shall arise, the Matter or Thing, Matters or Things, so in Difference between them, shall be referred to and determined by the said Umpire; and the Judgement and Determination of the said Umpire shall be deemed and taken to be the Judgement and Determination of the said Commissioners: Provided always, that the said Umpire, to be appointed as herein-before directed, shall not be capable of acting as an Umpire in the Execution of this Act, until he shall have taken and subscribed the following Oath; (that is to say),

Umpire's Oath.

I do swear, That I will faithfully and honestly, according to the best of my Skill, Ability, and Judgement, execute the several Powers, Authorities, and Trusts reposed in me as an Umpire by virtue of an Act of Parliament, made in the Fifty-third Year of the Reign of His Majesty King George the Third, intituled *An Act for inclosing Lands in the Manor of East Bedford with Hatton, in the Parish of East Bedford, in the County of Middlesex*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

So help me GOD.

For choosing new Commissioners.

III. And be it further enacted, That in case One or both of the said Commissioners shall die, or refuse or neglect or decline to act or qualify themselves or himself, or shall be rendered incapable of acting as such Commissioner, then and so often and from Time to Time as the said Cases or either of them shall happen, before this Act shall be fully performed

formed and carried into Execution, a new Commissioner or Commissioners shall be nominated and appointed in Manner following; (that is to say), in case the said *William James*, or any succeeding Commissioner to be nominated and appointed in his Stead, shall die, or refuse, neglect, or decline to act or qualify, or shall be rendered incapable of acting as aforesaid, it shall be lawful for the said *Hugh Duke of Northumberland*, or the Person or Persons who for the Time being shall be entitled to the Freehold and Inheritance of the said Manor of *East Bedford with Hatton*, and he or they are hereby required, by Writing under their Hands, from Time to Time within Thirty Days next after every such Death, Refusal, Neglect, Declension, or Incapacity as aforesaid shall happen, to nominate and appoint one other Person, not interested in the said Inclosure, to be a Commissioner in the Stead of the said *William James*, or of any succeeding Commissioner to be nominated and appointed in his Place, who shall so die, or refuse or neglect or decline to act or qualify, or shall be rendered incapable of acting as aforesaid; and in case the said *Thomas Chapman*, or any succeeding Commissioner to be nominated in his Stead, shall die, or refuse or neglect or decline to act or qualify, or shall be rendered incapable of acting as aforesaid, it shall be lawful for the major Part in Value, such Value to be ascertained by the Land Tax Assessment, of the several Owners and Proprietors for the Time being of the said Open and Common Fields, Common Meadows, and Common Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds so directed to be set out, divided, allotted, and inclosed as aforesaid, other than the said Duke, Lord of the said Manor for the Time being, who shall, by themselves or Agents duly authorized, attend the Meeting or Meetings to be appointed for that Purpose, as herein-after is mentioned; and such major Part in Value of the said several Owners and Proprietors are hereby required, from Time to Time, within Thirty Days next after every such last-mentioned Death, Refusal, Neglect, Declension, or Incapacity as aforesaid shall happen, by Writing under their Hands, to nominate and appoint some other fit Person, not interested in the said Division, Allotment, or Inclosure, to be a Commissioner in the Place or Stead of such last mentioned Commissioner who shall so die, or refuse or neglect or decline to act or qualify, or shall be rendered incapable of acting as aforesaid; and every such last mentioned Commissioner, so to be appointed, shall have the like Powers and Authorities as the Commissioner in whose Place or Stead he shall be so nominated and appointed, was vested with under or by virtue of this Act: Provided always, that any Three or more of the said Owners or Proprietors shall cause Notice to be given of the Time and Place of every such Meeting, for every such last mentioned Nomination and Appointment, at least Twenty Days before the Time of holding such Meetings respectively; such Notice to be given and published in the Parish Church of *East Bedford* aforesaid, on some *Sunday* immediately after Divine Service, and to be affixed on the Doors of the said Parish Church, and also published in the Newspaper called *The County Chronicle*; and in case Default shall be made in appointing any new Commissioner within the respective Time herein-before appointed for that Purpose, then and in every such Case it shall be lawful for the surviving or remaining Commissioner, and he is hereby required and directed from Time to Time, by Writing under his Hand, within Twenty Days next after the Expiration of the respective Times reserved to the respective Parties for nominating and appointing such new Commissioners as aforesaid,

said, to nominate and appoint some other Person or Persons, not interested in the said Inclosure, to be a Commissioner or Commissioners in the Place or Stead of every such Commissioner who shall so die, or refuse or neglect or decline to act or qualify.

For choosing
new Umpires.

IV. And be it further enacted, That if the Umpire to be appointed in pursuance of this Act, or any other Umpire to be appointed in his Stead, shall die, or refuse or decline to act or qualify himself as Umpire in pursuance of this Act, then and so often and from Time to Time as the said Cases, or either of them, shall happen before this Act shall be fully performed and carried into Execution, it shall be lawful for the said Commissioners, and they are hereby required, within Thirty Days after the Death, Refusal, or declining to act as aforesaid, by Writing under their Hands, to nominate and appoint some other fit Person (not interested in the said Division, Allotment, and Inclosure), to be an Umpire; and every such Umpire so nominated and appointed shall have the like Powers and Authorities as the Umpire in whose Stead or Place he shall be so elected and appointed, was or were vested with under and by virtue of this and the said recited Act.

For choosing
Clerk.

V. And be it further enacted, That the said Commissioners shall have Power, and they are hereby authorized to appoint some fit and proper Person or Persons to be their Clerk or Clerks for assisting them in carrying this Act into Execution; and such Clerk or Clerks from Time to Time to remove, and nominate and appoint such other fit and proper Person or Persons to succeed him or them in such Office, as to the said Commissioners shall seem meet.

Notices how
to be advertised.

VI. And be it further enacted, That all Notices required to be given in a public Newspaper by this Act or by the aforesaid recited Act, shall be published in a certain Newspaper called *The County Chronicle*, or in the Event of that Paper ceasing to be published, in *The Gazette*.

Notice of
Meetings to
be published
in Church.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause public Notice to be given in the Parish Church of *East Bedford* aforesaid, upon some *Sunday* immediately after Divine Service, and also to affix a like Notice in Writing upon the Doors of the same Parish Church, of the Time and Place of their First and every subsequent Meeting for executing the Powers and Trusts hereby vested in them, at least Ten Days before every such Meeting (Meetings by Adjournment only excepted); and if at any Time appointed for any such Meeting only One of the said Commissioners shall attend, then and in every such Case such One Commissioner shall adjourn the said Meeting to such future Time, not exceeding the Space of Ten Days, as he shall think fit; and every Owner or Proprietor attending every or any such Meeting or Meetings, shall pay and defray his or her own Expences; and all Meetings of the said Commissioners for putting this Act into Execution, shall be held at some House in the said Parish of *East Bedford*, or within the Distance of Eight Miles therefrom.

Notice of
Claims.

VIII. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be after the passing of this Act, cause Notices in Writing to be affixed on the Doors of the Parish Church of *East Bedford*

Bedfont aforesaid, on some *Sunday* before Divine Service, of the Day or Days, and Place or Places appointed by them for receiving Claims of Rights or Interests in or over the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, which Meetings respectively shall be at least Fourteen Days from the Times of giving such Notices thereof respectively; and at such Meeting and Meetings all and every Person and Persons having or claiming to have any Rights of Common, or any other Rights, Property, or Interest, in or to or over any of the said Lands and Grounds, shall and they are hereby required, by themselves or their Agents, to deliver in their respective Claims in Writing, under their Hands or the Hands of their Agents respectively, to such Commissioners; distinguishing in such Claims the Estate, Lands, and Hereditaments, and the Tenure of the Estate, Lands, and Hereditaments, in respect whereof such Claims shall be so made, and stating therein such further Particulars as shall be necessary to describe such Claims with Precision; and no such Claims shall be received by the said Commissioners after the Meeting, which in the Notice thereof shall be expressed to be the last Meeting for receiving such Claims (except from some Special Cause to be allowed by the said Commissioners); and after the said Claims shall have been so delivered in, the said Commissioners shall give Notice in the Manner herein-before directed, of the Day or Days and Place or Places by them appointed for hearing and determining the same; when and where all Parties concerned may appear before the said Commissioners, and shew Cause for or against the Allowance or Disallowance of the said Claims; and in case any Doubt or Difficulty shall arise respecting such Claims, or if any Dispute or Difference shall happen between any Proprietors of Estates, Lands, and Hereditaments, touching their said respective Rights or Interests in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any One of them, are and is hereby empowered to administer), and by such other Evidence as they may think proper, to examine into, hear, and determine the same.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or enable the said Commissioners or Umpire to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties, contrary to the Possession of any of such Parties (except in Cases of Encroachments), but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners not to determine Titles, nor molest Possession.

X. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall and may be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall

Commissioners may award Costs.

[*Loc. & Per.*]

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think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may
try their
Rights at
Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning Boundaries, or any Rights of Common or other Rights or Interests in, over, or upon the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the next or following Sittings after Term to be held at *Westminster* in and for the said County of *Middlesex*, after the Issue or Issues hereby directed shall have been settled as hereafter is mentioned; and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required, to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties or their Attornies shall differ about the same; and if at the Trial of any such Issue or Issues, it shall appear that the Party or Parties claiming is or are entitled to any qualified or less Right or Rights, or Interest or Interests than was or were claimed by such Party or Parties, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be endorsed on the Postea, in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues joined, in case there shall be no such Special Finding or Endorsement; or such Special Finding or Endorsement, if any such shall be made, shall be binding upon all Persons and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought, shall

shall set aside such Verdict or Verdicts, or Finding or Endorsement, and order a new Trial or new Trials to be had, which it shall be lawful for the Court to do; and also upon sufficient Cause shewn to put off the Trial of such Issue, as is usual in other Cases; and that after such Verdict or Verdicts, or Special Finding or Endorsement shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow such Claim or Claims accordingly.

XII. Provided always, and be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if such Event had not happened.

Deaths not to abate Actions.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions, Suit or Suits, might have been brought if living, shall die before any such Action or Actions, Suit or Suits, shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, Suit or Suits, it shall be lawful for the Person or Persons, Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions, Suit or Suits, against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living; and to serve the Clerk or Clerks to the said Commissioners with Process for commencing such Action or Actions, Suit or Suits, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, Suit or Suits, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in like Manner as if such Person or Persons had been actually living; and the Rights of the Parties shall be equally bound and concluded by the Event of such Action or Actions, Suit or Suits.

In case of Death of Parties before Actions brought, the same to be brought in their Names.

XIV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, for or in respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners or Umpire from proceeding in the Execution of the Powers vested in them by this Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits; and the Allotment may be had and taken by the Person or Persons who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Suits not to impede the Act.

XV. And be it further enacted, That if any of the Parties interested in the said intended Division or Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners or Umpire shall not be thereby determined or suspended, but that

Deaths not to impede the Act.

the said Commissioners or Umpire shall proceed in the Execution of the Powers given to them by this Act or the said recited Act, in such Manner as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying, shall be allotted to such Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced by him, her, or them, according to the Directions of this Act or the said recited Act; and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act, and the said recited Act.

Commissioners to set out Drains, &c.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such Common Drains, Common Sewers, and Watercourses, as well in, through, over, and upon the present Inclosures within the said Parish of *East Bedfont* (save and except within any Park or Pleasure Grounds, or any House, Homestead, Garden, Paddock, or Orchard, without Leave being first had and obtained in Writing under his Hand from the Owner thereof), as also in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they shall think proper, making such Allowances to the several Owners or Proprietors of the several Inclosures, as shall in the Judgment of the said Commissioners be an adequate Compensation or adequate Compensations for the Damages (if any) which may be sustained thereby; and the said Commissioners are hereby also authorized and empowered, with the Consent in Writing of the Owners and Occupiers of the adjoining Lands, to widen and deepen any present Drains, Sewers, and Watercourses running between the said Parish of *East Bedfont* (except as aforesaid) and any adjoining Parish, Township, or Place; and all such Common Drains, Common Sewers, and Watercourses shall for ever afterwards be cleansed or secured out by or at the Expence of such Person or Persons in the said Parish of *East Bedfont*, and in such Manner and at such Times as the said Commissioners shall in and by their Award herein-after directed to be made, or by any other Writing under their Hands, to be executed by them previous to the Execution of the said Award, order and direct: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to turn, divert, or alter the Course of any Drain, Sewer, Brook, Stream, or Watercourse, without the Consent in Writing of the Owner or Owners of the Land from which such Drain, Sewer, Brook, Stream, or Watercourse, shall be intended to be diverted or turned, and of the Owner or Owners of the Land into which the same shall be intended to be turned.

Roads.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, in all Cases where in their Judgment it shall appear to be requisite or proper, or more convenient for the Occupation of the Lands and Tenements within the said Parishes or Manor, to divert and turn any old or accustomed public Road or Way passing or leading through or over any Part of the old Inclosures within the said Parishes or Manor, or to stop up or discontinue such Roads, Ways, and Passages as to the said Commissioners shall seem meet and proper: Provided always, that no such Road, Way, or Path shall be diverted, turned, stopped up, or discontinued without the Concurrence

currence and Order of Two Justices, and subject to such Appeal as is mentioned and contained in the said recited Act.

XVIII. Provided always, and be it further enacted, That in order to preserve and prevent Damage to the Fences hereby directed or empowered to be made, no Person or Persons whomsoever shall, for the Space of Seven Years after the Execution of the Award, permit or suffer any Sort of Cattle, Asses, Sheep, Lambs, Swine, or Goats, to graze in any Highways, Lanes, or Passages which the said Commissioners shall order or direct to be laned off, or fenced, on both Sides; and any Occupier or Proprietor of Lands within the said respective Parishes, and his, her, and their, or any of their Servants and Labourers, and also the Haywards of the said Parish of *East Bedford* for the Time being, and all other Persons whomsoever, is and are hereby empowered to take and impound any such Beast, Horse, Ass, Sheep, Lamb, Swine, Goat, or other Cattle, which shall be so found grazing as aforesaid.

For the Protection of Fences to Roads.

XIX. And be it further enacted, That if upon setting out the Roads and Footways as before mentioned, it shall appear to the said Commissioners that any ancient or other public Carriage or Bridle Road or Roads, or Footway or Ways, in, through, or over any of the ancient inclosed Lands and Grounds, or other Lands and Grounds in the said Parish of *East Bedford*, or in any or either of the said Parishes, is or are prejudicial or inconvenient to the several Proprietors of the said Lands and Grounds, or to any or either of them, and not beneficial or particularly convenient to the Parishioners of the said Parish; or that any other Carriage or Bridle Road or Roads, or Footway or Ways, shall, by reason of the Division, Allotment, and Inclosure hereby directed to be made, have become unnecessary, it shall be lawful for the said Commissioners, by and with the Concurrence and Order of Two Justices of the Peace of the County of *Middlesex*, subject to appeal as mentioned in the said recited Act, and they are hereby authorized and required to shut up or turn such ancient or Carriage or Bridle Road or Roads, Footway or Ways; and if it shall appear to the said Commissioners that any Compensations or Compensation ought to be made by the Owner or Owners of such ancient inclosed Lands or Grounds, for whose Benefit or Accommodation any such Carriage or Bridle Road or Roads, or Footway or Ways, shall be shut up or turned as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required to ascertain such Compensation or Compensations; and to receive and apply the same towards the general Purposes and Expences of this Act; and if the Person or Persons who ought to pay such Compensation or Compensations shall make Default in Payment thereof at the Time or Times to be for that Purpose appointed by the said Commissioners, it shall be lawful for the said Commissioners, and they are hereby required by Warrant or Warrants under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) of the Money to arise by such Sale, on Demand, after the Expences of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Commissioners are hereby directed to set forth in the Award or Awards herein-after directed to be made by them, a Description of such Carriage or Bridle Road or Roads, and Footway or Ways, which may be so shut up or

For stopping up Roads.

turned; and from and after the Execution of the said Award or Awards, or at such earlier Times as the said Commissioners shall direct, such Carriage or Bridle Road or Roads, and Footway or Footways, shall be and the same is and are hereby declared to be discontinued; and from thenceforth it shall not be lawful for any Person or Persons, other than the respective Owners or Proprietors of the Land or Ground through which such Road or Roads, or Footway or Footways did pass, to make use of the same, or any Part thereof respectively.

Not to alter or vary the Course of His Majesty's River called The Hampton Court Cut.

XX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Commissioners, or any other Person or Persons, to alter, vary, divert, or change the Course of any Part or Portion of the Water of His Majesty's River called *The Hampton Court Cut*, or to put or convey into the said River any Drain, Watercourse, or Waste Water, for the Purpose of draining the Lands intended to be divided, allotted, and inclosed, or otherwise to interfere with the said River or the Banks thereof, nor to place any Fence or Fences, Stakes or other Things nearer the Edge of the said River than the Space or Distance of Seven Yards; but that His Majesty, His Heirs and Successors, shall retain for His and their sole Use, all His and their Rights and Interests in and to the said River and the Banks thereof, in such and the like Manner as He or they might or could have done if this Act had not passed; and also the Space or Distance of Seven Yards at the least on each Side of the said River, the whole Length the same extends within the Waste Lands hereby directed to be divided, allotted, and inclosed, for the more effectually securing the said River from Damage, and repairing the Banks thereof, and the Bridges thereon, and taking the Mud out of the said River, and other Uses and Purposes relative thereto; in which said Space or Distance of Seven Yards on each Side of the same River no Person or Persons whatsoever, other than His Majesty, His Heirs and Successors, and His and their Officers and Servants for the Time being, shall have any Right of Road, or any other Right whatever.

Not to alter or vary the Course of the Isleworth Mill River.

XXI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Commissioners, or any other Person or Persons, to alter, vary, or divert, or change the Course of any Part or Portion of the Water of the River called *The Isleworth Mill River*, or to put or convey into the said River any Drain, Watercourse, or Waste Water, for the Purpose of draining the Lands intended to be divided, allotted, or inclosed, or otherwise to interfere with the said River, its Fishery or Banks, nor to place any Fence or Fences, Stakes, or other Things, nearer the Edge of the said River than the Space or Distance of Eight Yards; but that the Owner of the said River, and the Person or Persons who shall be entitled to the Freehold and Inheritance of the said River and the Fishery thereof, shall retain to himself and themselves, for his and their sole Use, the Space or Distance of Eight Yards at the least on each Side of the said River, the whole Length the same extends within the Waste Lands hereby directed to be divided, allotted, and inclosed, for the Purpose of fishing the said River, and for more effectually securing the same from Damage, and repairing the Banks thereof and the Bridges thereon, and taking the Mud out of the said River, and other Uses and Purposes of the Owner or Owners of the said River, relative thereto; on which said Space or Distance of Eight Yards

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on each Side of the said River, no Person or Persons whatsoever, other than the Owner or Owners thereof for the Time being, his and their Agents and Servants, shall have any Right of Road, or any other Right whatever.

XXII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Common Lands and Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly.

Encroachments within 20 Years to be deemed Waste.

XXIII. Provided always, and be it further enacted, That no Inclosure or Encroachment which shall have been made from or upon the said Common Lands and Grounds, or any Part or Parts thereof, for Twenty Years or upwards antecedent to the passing of this Act, shall be thrown open or divided, allotted, or inclosed, under the Provisions of this present Act, or the Provisions of the said Act of the Forty-first Year of His present Majesty; nor shall any such Inclosure or Encroachment as last aforesaid, nor the Houses, Cottages, Buildings, and other Erections thereupon, be considered as forming Part of the said Commons and Waste Lands, nor shall the Title or Titles derived under such Inclosure or Encroachment be disturbed (save and except in the Cases herein after mentioned), either under the Provisions of the present Act, or the said Act of the Forty-first Year of His present Majesty; and if any such Inclosure and Encroachment as last aforesaid, shall have been made within the Space of Thirty Years previous to the passing of this Act, the same shall be valued by the said Commissioners, according to the Value of the Part of the said Commons and Waste Lands next adjoining or contiguous to the same, without taking into Consideration or estimating the Improvements or Erections which shall have been made thereon; and upon such Valuation being made, the said Commissioners shall deliver the Particulars and Amounts thereof, in Writing, to the Person or Persons by whom such Inclosures or Encroachments shall be then possessed; or in case such Person or Persons cannot conveniently be found, shall affix the said Writing upon some conspicuous Part of the Premises; and in case such Person or Persons shall, within the Space of Six Calendar Months from the Time of the Delivery or affixing of such Particular or Value, pay the Amount thereof to the said Commissioners; the said last mentioned Inclosures and Encroachments, and all Dwelling Houses, Cottages, Buildings, and Erections thereupon, shall immediately upon such Payment, and upon the Commissioners giving a Receipt in Writing for the Amount thereof, belong to and be the absolute Property of such Person or Persons respectively, for such Estates and Interests, and with and subject to such Powers, Provisions, and Limitations over, as the same Premises would respectively have been subject or liable to, in case the first Owner or Possessor of the same had been seized thereof to him and his Heirs in Fee Simple; but in case such Person or Persons shall refuse or neglect to pay the Amount of such Valuation to the said Commissioners within the said Space of Six Calendar Months from the Delivery or affixing thereof as aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to sell and dispose of the said Inclosures and Encroachments, and all Dwelling Houses, Buildings, and other Erections thereon, in such and the same Manner as they are by the said Act of the Forty-first Year of His present Majesty empowered to sell Lands for the Payment of the

Those of above 20 Years standing not to be deemed Waste.

Charges and Expences attending the obtaining, passing, and executing of this Act, and shall apply the Monies to arise by such Sale in or towards the Payment of such Charges and Expences accordingly.

Frontage
Encroach-
ments may
be purchased
by Owners of
adjoining
Lands.

XXIV. Provided always, and be it further enacted, That in case any such Encroachments which shall have subsisted for Twenty-one Years or upwards before the passing of this Act, or any Part or Parcel thereof, shall adjoin or abut upon, or cause any Impediment or Obstruction to the free Use or Enjoyment of any Freehold or Copyhold Lands of any Person or Persons whomsoever, who shall be desirous of purchasing the same, or upon or to any Lands to be by virtue of this Act allotted to any such Person or Persons, the said Commissioners shall, at the Request of such Person or Persons, at any Time previous to making and depositing their Award as herein-after mentioned, ascertain the Value of any such Encroachment, or of so much thereof as shall adjoin or abut, or cause Impediment or Obstruction as aforesaid, and shall put a separate Value upon the Land as Common, and upon the Buildings and Improvements erected or made thereon, and shall direct at what Time, and under what Conditions, the Person or Persons so desiring to purchase the said Encroachment shall pay to them the said Commissioners the Sum so to be ascertained for the Value of the said Land, without regard to the Buildings or Improvements made thereon, and to the Owner or Possessor of the said Encroachment, the Sum so to be ascertained for the Value of such Buildings and Improvements; and upon such Payment so to be made, according to the Directions of the said Commissioners as aforesaid, every such Encroachment, or so much thereof as shall be valued and purchased as aforesaid, shall be absolutely vested in the Person or Persons so purchasing the same, any Thing in this Act contained to the contrary notwithstanding; and any Money which shall be paid to the said Commissioners by virtue of the last mentioned Directions, shall be by them paid or applied in or towards paying and defraying the Costs, Charges, and Expences of obtaining, passing, and executing this Act.

No Dwelling
House erected
21 Years to
be sold by
Commission-
ers

XXV. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize the Sale of any Dwelling House which at the Time of passing this Act shall be actually occupied by the Owner or Possessor of any such Encroachment, which shall have been made for the Space of Twenty-one Years or upwards, or of any Yard or Garden occupied therewith.

Commission-
ers to deter-
mine Date of
Encroach-
ments.

XXVI. And be it further enacted and declared, That if any Dispute shall arise as to the Space of Time during which the said Inclosures or Encroachments shall have been made or subsisted, the same shall be determined by the said Commissioners, who shall proceed therein in the Manner in which by the said Act of the Forty-first Year of His present Majesty they are directed to proceed, in Matters or Things left to their Determination.

Commission-
ers to set out
one or more
Plots of
Waste for
Stone and
Gravel Pits.

XXVII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized, empowered, and required, to set out and allot one or more Plot or Plots of the said Waste Lands and Grounds so directed to be divided, allotted, and inclosed as aforesaid, as they shall think proper, not exceeding in the Whole Five Acres of the said

said Parish of *East Bedford*, as and for public Stone Pits and Gravel Pits, with convenient Roads to and from the same, to be used in Common by the Proprietors of Lands and Estates in the said Parish, and their respective Tenants, as well for their own necessary Uses as for the Repairs of the public and private Roads and Ways within the said Parish; and the Herbage growing and renewing in and upon such Plot or Plots of Lands and Grounds shall be and the same is hereby vested in the Surveyor or Surveyors for the Time being of the Highways of the said Parish, in Trust for the Purposes aforesaid.

XXVIII. And be it further enacted, That to defray the Charges and Expences of obtaining the Act, it shall be lawful for the said Commissioners to sell by private Contract unto any Person or Persons any Parcel or Parcels of the said Commonable Lands and Waste Grounds fronting or adjoining to his or their Dwelling House, Gardens, or Pleasure Grounds; and the Purchase Money of the said Lands so to be sold as aforesaid, shall be paid to the said Commissioners at such Time or Times as they shall appoint, and the Receipt or Receipts of the said Commissioners shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and the Pieces or Parcels of Land so purchased shall be allotted to the Purchaser or Purchasers thereof in and by the Award of the said Commissioners; and the said Commissioners shall apply the Monies to arise by such Sale or Sales in or towards the defraying of such Costs, Charges, and Expences as aforesaid; but if the Person or Persons so entitled to purchase the Frontages as aforesaid should refuse to take the same at the Valuation of the said Commissioners, then it shall be lawful for the said Commissioners to sell the same by public Auction to the highest Bidder or Bidders, at some of their Meetings to be held in pursuance of this Act, of which public Notice shall be given by the said Commissioners in the Newspaper called *The County Chronicle*, Three Weeks at the least before such Sale or Sales shall be made; and the Purchaser or Purchasers at every such Sale shall immediately pay to the Commissioners One Fourth Part of his, her, or their Purchase Money, as and for a Deposit, and shall enter into an Agreement to pay the Residue of the Purchase Money at the Time to be limited by the Conditions under which such Land shall be sold, into the Hands of the said Commissioners, who are hereby authorized to give Receipts for the same, and also for the Money to be paid as and for a Deposit as aforesaid: Provided always, that if any Purchaser, having paid such Deposit as aforesaid, shall not pay the whole of the Purchase Money within the Time appointed for Payment thereof by the said Conditions of Sale, the Money so to be deposited shall become forfeited to the said Commissioners, and shall be by them applied for the Purposes of this Act; and it shall be lawful for the said Commissioners, giving such Notice as aforesaid, to put up again to Sale such Lot or Lots for which the whole of such Purchase Money shall not have been paid, and so *toties quoties* until the same shall be sold; or the said Commissioners may, if they think proper, sell and dispose of such Lot or Lots by private Contract, for the best Price or Prices that can be gotten for the same; and the Lands so to be sold under or by virtue of this Act, on Payment of the full Purchase Money for the same, shall be allotted to the Purchaser or Purchasers thereof, by the said Commissioners, in and by their Award by the said recited Act directed to be made; and the said Commissioners

Empowering
Commissioners
to sell
Frontages.

[*Loc. & Per.*]

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shall,

shall, after Payment of the Costs, Charges, and Expences attending such Sale or Sales, or in anywise relating thereto, pay and apply the Residue of the Monies arising therefrom for the Purposes above mentioned.

Not to set out any Part of the Green of the Village of East Bedfont.

XXIX. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to set out or allot any Part of the Green in the Village of *East Bedfont*, but that the same shall remain for the Use of the Inhabitants, and Ornament of the said Village, uninclosed.

No Cottage erected by Licence of Lord or Homage to be pulled down.

XXX. And be it further enacted, That no Cottage or Building which has been erected and built by any Person or Persons on the said Common, by the Licence of the Lord or Homage, shall be pulled down, although built within the Space of Twenty Years, but such Person or Persons are hereby declared not to have any Right to any Allotment on the said Common, on the Division hereby directed to be made in respect thereof.

Allotments to the Lord of the Manor for the Soil.

XXXI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next place, out of the Residue of the said Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed, within, of, or belonging to the said Manor of *East Bedfont*, to set out and allot unto and for the said *Hugh Duke of Northumberland*, as Lord of the Manor of *East Bedfont* afore-said, and to the Persons who for the Time being should be entitled to the Freehold and Inheritance of the said Manor of *East Bedfont*, such Plot or Plots of the said then Residue of the said Waste Lands and Grounds, within, or of, or belonging to the said Manor of *East Bedfont*, as shall be equal in Value to One Sixteenth Part of such Waste Lands and Grounds.

Allotments to Hospitals, &c.

XXXII. And be it further enacted, That the said Commissioners shall and they are hereby directed, to set out, allot, and award unto and for such Person or Persons respectively, who at the Time of the Allotments to be made in pursuance of this Act shall be seised of any Land, Ground, or Common Right, in and upon the said Open and Common Fields, Meadows, and Pastures, and other Commonable Lands, and Grounds, and the said Waste Lands and Grounds, in Right of or in Trust for any Hospital, School, or other public Use or Charity, or in Right of any Church or Chapel, such Plot or Plots of the said Open and Common Fields, Meadows, and Pastures, and other Commonable Lands and Grounds, and of the said Waste Lands and Grounds, as shall in the Judgement of the said Commissioners be a just and reasonable Proportion or Proportions for the Right or Interest of such Person or Persons therein or thereto.

Commissioners to set out an Equivalent for Rights of Common before Common Fields are to be divided.

XXXIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered and directed, before they proceed to allot the said Common Fields, Common Meadows, Common Pastures, or Lammas Land, to set out and allot an Equivalent in Value for any Rights of Common existing over the same: Provided nevertheless, that such Division and Allotment of the Common Fields shall be made at the
Expence

Expence of the Parties interested in the same, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioners shall direct, and not at the Expence of the Proprietors of Lands within the said Manor of *East Bedford*, not interested in such Common Fields.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby directed to set out and allot to the said Churchwardens and Overseers of the Poor of the said Parish of *East Bedford*, and their Successors, the Land or Ground on which the Parish Workhouse now stands, with the Ground now used therewith, not exceeding in the whole One Acre, which shall be vested in them for the Use of the said Parish of *East Bedford*.

The Ground on which the Workhouse stands to be vested in Churchwardens, &c.

XXXV. And be it further enacted, That the said Commissioners shall, previous to any Division or Allotment of any other Part of the Common or Waste Land, set out and allot Forty Acres of Black Turf Land in *Hatton Flatt* for Firing, for the Use and Benefit of the Poor of the Parish of *East Bedford*, not entitled to any Allotment on the said Common, on which no Cattle of any Sort shall be fed or depastured, the same being set apart solely for the Purpose of providing Fuel for the Poor; and which said Forty Acres shall be, when set out, vested in the Churchwardens and Overseers of the Poor of the Parish of *East Bedford* for the Time being, for the Use of the Poor; and the said Churchwardens and Overseers, with the Vestry, are from Time to Time to regulate the Manner of the Enjoyment thereof.

Forty Acres to be set out for the Use of the Poor.

XXXVI. And, with respect to such Part of the Glebe Lands of or belonging to the aforesaid Vicarage as are Parts of and lie intermixed with the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or which may otherwise lie within the Limits of the Division or Inclosure hereby authorized and directed to be made, but at a Distance from or inconvenient to be enjoyed with the said Vicarage; be it further enacted, That the said Commissioners shall and may, and they are hereby required to take all such Parts of the said Glebe Lands, and the Rights of Common belonging thereto, into the Division or Inclosure hereby authorized and required to be made, and to divide and allot the same accordingly, and to allot and set out unto and for the said *Henry Whitfield*, and his Successors, Vicars of the said Parish Church of *East Bedford* aforesaid, by and out of the other Parts or Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, for or in lieu of the said Glebe Lands, and of such Rights of Common thereto respectively belonging, such Plots of the said Lands and Grounds so hereby directed to be divided, allotted, and inclosed, and as contiguous or convenient as may be to the Vicarage House of the said Parish of *East Bedford*, as in the Judgement of the said Commissioners shall (upon the said Inclosure) be deemed the Share or Proportion of the said *Henry Whitfield* and his Successors, Vicars as aforesaid, of and in the said Lands and Grounds so hereby authorized, and directed to be divided, allotted, and inclosed, in respect of, and as full Equivalents, Compensations, and Satisfactions for the said Glebe Lands and Rights of Common: Provided nevertheless, that the said Commissioners shall and may,

Allotments in lieu of Glebe Lands.

may, and they are hereby required, to permit such Parts of the Glebe Lands of or belonging to the said Vicarage as lie together, and are convenient to the Vicarage House of the said respective Vicar, to continue as such Glebe Lands.

Allotment of
the Residue.

XXXVII. And be it further enacted, That after the making all the several Allotments aforesaid, the said Commissioners shall and they are hereby directed to divide, set out, and allot the then Residue of the said Waste Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the several Persons who at the Time of making such Division or Allotment shall be entitled thereto or interested therein, in Proportion to their respective Rights, Shares, Interests, and Proportions therein; in the making of which said last mentioned Division and Allotment, as well as in the making all the aforesaid Divisions and Allotments of the aforesaid Open and Common Fields, Meadows, and Pastures, and other Commonable Lands and Grounds, the said Commissioners are to have due regard to the Quantity, Quality, Value, Situation, and other Circumstances of the said Waste Lands and Grounds, and also due regard to the Situation of the respective Houses or Homesteads, and other Estates of the several Persons Owners or Proprietors of Houses and Estates within the said Manor of *East Bedfont with Hatton*, so as to make all such Allotments as equitable as possible, and as convenient to the said Houses, Barns, and inclosed Property, and to the several Owners and Proprietors of such Houses, Barns, and inclosed Property, or Persons entitled to the same respectively, as the respective Situations of the same will admit; which said Allotments shall be in full bar of and Compensation for all Rights of the several Parties interested in, over, and upon the said Waste Lands and Grounds by this Act directed to be divided, allotted, and inclosed.

Exchanges.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Parish or Manor, in lieu of and in Exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Parish or Manor, or within any adjoining Parish, Manor, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Use or Uses, Husbands, Committees, or Attornies of, or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively;

respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate.

XXXIX. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, or Sale or Sales to be made by virtue of this or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges, Partitions, or Purchases, in such Shares and Proportions as the said Commissioners shall in and by their Award order and direct.

Expences of Exchanges, how paid.

XL. And be it further enacted, That all such Lands and Grounds as shall be allotted to any of the said Proprietors under or by virtue of this Act, shall be of the same Tenure as the Lands and Grounds, and other Hereditaments and Premises, in respect of which such Allotments shall be made, were respectively held and enjoyed at or immediately before the making such Allotments; and the several Lands and Grounds which shall be so allotted in respect of Freehold Lands and Grounds and other Hereditaments, shall from the making of such Allotments be deemed Freehold, and shall be held of the Lord or Lords, Lady or Ladies of the Fee or Fees of the said respective Manors, under the like Rents and by the like Services as the Freehold Lands and Grounds and other Hereditaments for which the same were so allotted or exchanged were theretofore held; and the several Lands and Grounds which shall be allotted in respect of Copyhold or Customary Lands and Grounds and other Hereditaments, shall in like Manner be deemed Copyhold or Customary Lands and Grounds, and shall be held of the Lord or Lords, Lady or Ladies of the same Manors respectively, under the like Rents and by the like Customs, Duties, Fines, Fees, and Services, as the Copyhold and Customary Lands and Grounds and other Hereditaments in respect of which the same were so allotted, were or ought to have been held and enjoyed in case this Act had not been made or passed; and the several Persons to whom any such Lands and Grounds shall be so allotted in respect of Copyhold or Customary Lands and Grounds and other Hereditaments, shall be duly admitted thereto by the Lord or Lords, Lady or Ladies, or their respective Stewards of the respective Manors of which the said Lands and other Hereditaments are held, or wherein the same Lands and Grounds and other Hereditaments are situate, at some Court or Courts to be held in and for the said Manors respectively for that Purpose, within Three Calendar Months next after making the said Awards, without paying any Fine to the Lord on the first Admission of the Tenant to whom the same shall be personally allotted, and on paying the usual and customary Fees of Admission, and paying the usual Fees due and payable in such respective Manors; and the several Lands and Grounds which shall be so allotted in respect of or for Leasehold Lands and Grounds, shall in like Manner be deemed Leasehold Lands and Grounds and other Hereditaments,

Lands exchanged to be of the same Tenure as the Lands for which they were exchanged.

[Loc. & Per.]

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and shall be held for the same Number of Years, and under and subject to the same Conditions, as the Leasehold Lands and Grounds and other Hereditaments in respect of which the same were so allotted were or ought to have been held or enjoyed in case this Act had not been made or passed; and the Reversion or Remainder thereof shall be vested in the same Persons respectively, as the Reversion or Remainder of such other Lands and Grounds and other Hereditaments was vested in at or immediately before the making of such Allotments.

The Lord of Manor to have the same Remedies for Recovery of Rents, &c. as heretofore.

XLI. And be it further enacted, That the Lord of the said Manor of *East Bedford with Hatton* for the Time being, shall have such and the same Remedies and Powers for Recovery of Rents or Arrears of Rent to become due and payable for or upon the Lands and Grounds and other Hereditaments so to be allotted in respect of such ancient Copyhold or Customary Lands and Grounds and other Hereditaments respectively, as the respective Lord and Lords, Lady and Ladies of the said Manors, had or might have had, enjoyed or been entitled to, for recovering the Rents and Arrears of Rent issuing out of or payable for or upon the said ancient Copyhold or Customary Lands and Grounds and other Hereditaments, before the passing of this Act.

Commissioners to direct the Course of Husbandry.

XLII. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on one of the principal Doors of the Church of *East Bedford* aforesaid, to order and direct the Course of Husbandry that shall be used in, over, and upon the said Open Fields and Waste Grounds hereby intended to be divided, allotted, and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the ploughing, sowing, fallowing, tilling and laying down thereof, as to the stocking and pasturage thereof; and by the same or any other Writing or Writings under their Hands, to be affixed in Manner aforesaid, shall and may make such Orders, Rules, and Regulations as to them shall seem expedient, touching the Conduct of the Farmers and Occupiers within the said Parish of *East Bedford*, for preventing them from ploughing up or tilling any Meadow, Pasture or fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided, allotted, and inclosed, and in the mean Time and until the setting out, assigning and allotting thereof shall be completed as aforesaid; all which Rules, Orders, and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein; and the said Commissioners shall set and impose such Penalties and Forfeitures, not exceeding Five Pounds for each Offence, on every Person not conforming to such Rules, Orders, and Regulations, as they shall think necessary; which Penalties and Forfeitures shall be paid to such Person and Persons, and for such Uses and Purposes, as the said Commissioners shall, by any Writing or Writings under their Hands, or by their Award, direct or appoint; and the said Commissioners are hereby authorized and required, by Warrant or Warrants under their Hands, directed to any Person or Persons whomsoever, to cause the same Penalties and Forfeitures to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, together

together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

XLIII. And be it further enacted, That the said Proprietors, whose Allotments on the said Division shall have been tilled, ploughed, sown, folded or manured by any former Proprietor or Occupier thereof, shall pay unto the Person or Persons respectively who shall have tilled, ploughed, sown, folded or manured the same, or any Part thereof, his, her, or their Executors or Administrators, such Sum and Sums, and at such Time and Times, as the said Commissioners shall think reasonable, and shall by Writing under their Hands ascertain and direct; and if by reason of the Mismanagement of any former Occupier of the preceding Crop or Crops, or by any other Means, it shall happen that the Allotment or Allotments to any Proprietor shall not contain a due and reasonable Proportion of Land in a proper State for Wheat or other Tith Crop, or if any such Allotment or Allotments shall, in the Judgment of the said Commissioners, be from any Cause in a worse Condition to be occupied than the Average of Land allotted by virtue hereof, then the Person or Persons to whom any such Allotment or Allotments shall be made, shall receive such Compensation and Satisfaction from any other of the Proprietors, or from the former Occupier, as the said Commissioners shall determine and adjudge to be just and equitable; and in case any of the Sums which shall by the said Commissioners be directed to be paid as aforesaid, shall not be paid to the Person or Persons, and at the Time or Times to be appointed by the said Commissioners for Payment thereof, it shall be lawful for them, and they are hereby required to levy the same, in like Manner as the Expences of passing this Act and carrying the same into Execution are directed to be raised and levied.

Satisfaction to be made for Tillage, &c.

XLIV. And be it further enacted, That where any Lease or Leases, or Agreement for a Lease or Leases, for the letting or building of any of the Messuages, Lands or Hereditaments in respect of which any Allotment or Allotments shall be made by virtue of this Act, shall include or comprise any Rights of Common or other Rights or Interests for or in lieu of which the same Allotment or Allotments shall be made, then and in every such Case it shall be lawful for the Tenant or Occupier of the Land in respect of which the Allotment is made, to have during his Lease such Allotment, paying any additional Rent to be fixed by the Commissioners if they shall think fit; or if the Tenant or Occupier shall not elect to take such Allotment, then the respective Owners and Proprietors of the same Messuages, Lands or Hereditaments shall allow and abate to such Lessee or Lessees, Tenant or Tenants, such Portion of his or their Rent or Rents as the said Commissioners shall award to be a reasonable Compensation or Satisfaction to him or them for the Deprivation of such Rights of Common or other Rights or Interests as aforesaid.

Compensation to be made to Tenants deprived of Common Rights.

XLV. And be it further enacted, That it shall and may be lawful to and for the said *Henry Whitfield* and his Successors, Vicars for the Time being of the said Vicarage of *East Bedfont*, by and with the Consent of the Bishop of the Diocese, and of the Patron of the said Living respectively, signified in Writing under their respective Hands and Seals, attested by Two or

Power for Vicar to grant Leases of his Allotment.

more credible Witnesses, to grant any Lease or Leases to any Person or Persons, of the Lands and Grounds to be allotted to the said Vicar by virtue of this Act, or any Parts or Part of such Lands and Grounds respectively, together with the Glebe Lands (except Four Acres at the least, lying most convenient for Occupation with the said Vicarage House of the Parish of *East Bedfont* aforesaid, and most convenient for Occupation with the said Vicarage House), for any Term or Number of Years not exceeding Twenty-one Years, to be computed from the Expiration of Twelve Calendar Months next after the Execution of the said Award; so as upon every such Lease there be reserved and made payable, during the Continuance thereof, the best improved Rent or Rents that may be reasonably had or gotten for the same, without taking any Premium, Income, Fine, or Foregift for or in respect of any such Lease; and so as the Lessee or Lessees therein be not made dispunishable of or for Waste; and so as there be contained in every such Lease a Clause of Re-entry for Non-payment of the Rent or Rents to be thereby respectively reserved, and also a Covenant for the due Payment of such Rent or Rents, and all other necessary and proper Covenants usually inserted in Leases of the like Nature; and so as the Rent or Rents to be by such Leases respectively reserved be made payable to the Vicar of the said Vicarage for the Time being and his Successors, by Four equal Quarterly Payments in every Year, during the Term to be thereby respectively granted; and so as the Lessee or Lessees therein respectively do execute a Counterpart or Counterparts thereof respectively; and every Lease so to be made as aforesaid shall be valid and effectual against the said Vicar and his Successors.

Expences of
this Act.

XLVI. And be it further enacted, That the said Commissioners shall and they are hereby empowered and directed to make out or cause to be made out, an Account of all the Costs, Charges and Expences of applying for, preparing, obtaining and passing this Act; and also an Account of all the Costs, Charges, and Expences of surveying, measuring, mapping, planning, valuing, appraising, dividing, and allotting the Lands and Grounds to be surveyed, measured, mapped, planned, valued, appraised, set out, allotted, divided, and inclosed, and of forming, making and putting into good and sufficient Condition and Repair the public Roads and Ways, and of widening and repairing the present public Roads and Ways, and of erecting and building Bridges thereon, and of making Drains, Sewers, and Watercourses, and of preparing and enrolling the Award by the said recited Act directed to be made, and all other the Costs, Charges, and Expences arising and accruing in carrying this Act into Execution, and which are to be borne and paid by the respective Proprietors of such Lands and Grounds; and in order to raise a sufficient Sum of Money to defray all such Costs, Charges, and Expences, it shall be lawful for the said Commissioners, and they are hereby authorized and required, in the next Place, as soon as may be after the making the several Allotments aforesaid, and before making the Division of the Residue of the said Lands and Grounds, or before making any of the Allotments aforesaid, if the said Commissioners shall think proper, and so from Time to Time, on giving Twenty Days previous Notice, to be published in the same Manner as the Notices of the Meetings of the said Commissioners are herein-before directed to be published, to sell by public Auction such Part or Parts of the said Waste Lands and Grounds,
and

and at the greatest Distance that conveniently may be from the respective Messuages of the respective Proprietors of Lands within the said Parish, and in Lots not exceeding Twenty Acres in each Lot, as they shall deem sufficient for the Purposes aforesaid, to any Person or Persons, for the best Price or Prices that can or may be reasonably had or gotten for the same, and to receive the Purchase Monies to arise therefrom, such Purchase Monies to be paid at such Time or Times as the said Commissioners shall appoint for the Payment thereof; and the Receipt or Receipts of the said Commissioners for such Purchase Monies shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and the same shall be thereupon immediately vested in such Purchaser, his, her, or their Heirs and Assigns, in Fee Simple; and the said Commissioners shall and they are hereby directed to pay and apply the Monies to arise by such Sale or Sales in defraying all such Costs, Charges, and Expences as aforesaid; and if any Surplus of such Monies, arising from such Sale or Sales as aforesaid, shall remain in the Hands of the said Commissioners after all such Payments as aforesaid, such Surplus shall be distributed amongst and paid to the several Persons interested in the said intended Division, Allotment, and Inclosure (in case such Persons shall be Tenants thereof in Fee Simple), in such Shares and Proportions as the said Commissioners shall think right and proper, or otherwise shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements or Hereditaments, or the Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, in case they shall be requested, by Writing under the Hand or Hands of any Person or Persons, being Tenant for Life or in Tail, or other Person being in Possession of but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments within the said Parishes or Manor, to sell and dispose of so much of the respective Allotment or Allotments to be made to such Person or Persons, in respect of such Messuages, Lands, Tenements, or Hereditaments, as shall, in the Judgment of the said Commissioners, be equal in Value to the respective Proportions of the Expences of obtaining this Act, and carrying into Execution this Act and the said recited Act, which such Person or Persons may be charged with, and the Expences of fencing, ditching, and inclosing the Allotment or Allotments of such Person or Persons; and the said Commissioners shall assign, allot, and award the said Lands to be sold to such Person or Persons as they shall think proper, upon Payment of the Value thereof by such Person or Persons to the said Commissioners; and such Money shall be applied by the said Commissioners in or towards the Payment of such Expences, and in fencing, ditching, and inclosing the said Allotment or Allotments respectively: Provided always, that in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be paid into the Bank of England in the Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the

Tenants for Life, &c. may sell.

[Loc. & Per.]

34 N

Purchase

Purchase of other Lands, Tenements or Hereditaments; to be settled to the same Uses.

Not to deduct and borrow above 5l. per Acre.

XLVIII. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale or Sales as aforesaid, any further or greater Sum of Money than the Person (Part of whose Allotment shall be sold as aforesaid) would have been empowered or authorized to borrow or charge upon the Lands and Grounds to be divided, allotted, or inclosed under or by virtue of this Act; nor shall it be lawful for the Person or Persons from whose Allotment Land shall be deducted as aforesaid; to charge his, her, or their Allotment or Allotments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences, unless the Money to arise by such Sale shall be less than the Sum of Five Pounds *per* Acre; and then and in such Case it shall be lawful for such Person or Persons to charge his, her, or their Allotment or Allotments, or to raise by Mortgage thereof, or other Ways and Means, as mentioned in the said recited Act or this Act, the Remainder of such Money for Payment of the Expences of obtaining and executing this Act.

The Deficiency to be raised by the Proprietors.

XLIX. Provided always, and be it further enacted, That in case the Money arising by Sale of such Allotment or Allotments as aforesaid, shall not be sufficient to defray all the Charges and Expences as aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Inclosure, and shall be paid in such Shares and Proportions, and within such Time or Times, and to such Person or Persons, as the said Commissioners shall direct, nominate and appoint; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of any Money to be raised for the general Purposes of this Act, then the same shall be paid in such Shares and Proportions, and by such Person or Persons, and within such Time or Times, and to such Person or Persons, as the said Commissioners shall direct, nominate and appoint.

Power for Commissioners to levy all Sums ordered to be paid to them or others.

L. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay any Sum or Sums of Money by virtue of this Act ordered and directed to be paid by him, her, or them to the said Commissioners, or any other Person or Persons, at such Time or Times as he, she, or they shall be directed to pay the same; then and in every such Case the said Commissioners shall and may, by Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, cause all and every such Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels, wheresoever the same shall be found, of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Distresses, Sale and Sales; or otherwise it shall be lawful for the said Commissioners to enter into and upon the Lands to be allotted to such Person or Persons so neglecting or refusing to pay as aforesaid, and to receive the Rents and Profits thereof, until thereby or therewith such

such Sum or Sums of Money, and all Costs, Charges and Expences occasioned by and attending such Entry upon and Reception of the Rents and Profits of the said Premises shall be fully paid and satisfied; or may let and demise such Allotment or Allotments to any Person or Persons whomsoever, who shall pay to the said Commissioners such Sum and Sums of Money, Charges and Expences, for such Term or Number of Years as the said Commissioners shall think sufficient to reimburse to such Person or Persons the Money by him or them advanced respectively.

LI. And be it further enacted, That in case any Surplus of any Money arising from the Sales of any Lands or Grounds by the said Commissioners herein-before directed to be applied in or towards Payment of the Costs, Charges, and Expences of obtaining, passing, and executing this Act, shall remain after all such Charges and Expences as last-aforsaid shall have been fully paid and satisfied, such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided and inclosed, according to their several and respective Interests therein; and such proportional Parts and Shares of such Surplus Money shall be paid to those Proprietors who are Tenants in Fee Simple of the Estates in Right of which they shall be entitled to such Surplus Monies; but the Surplus Money to which any Proprietor, not being Tenant in Fee Simple, may be entitled, shall be applied and disposed of in the same Manner as any Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses as the same is by the said Act of the Forty-first Year of His present Majesty directed to be applied and disposed of.

Application
of Surplus
Money.

LII. And be it further enacted, That any Person or Persons who shall lend any Sum or Sums of Money for defraying the Expences of applying for and obtaining and executing this Act shall be repaid the same out of the Monies which shall be raised and collected in pursuance hereof, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the same.

Persons
advancing
Money to be
repaid with
Interest.

LIII. And be it further enacted, That each of the said Commissioners, and the Umpire who shall act in the Execution of the Powers and Trusts hereby vested in them or him shall be paid the Sum of Three Pounds Three Shillings, and no more, for each Day he shall be employed therein; and which said Sum of Three Pounds Three Shillings is to include all Expences of travelling to and from the said Meetings respectively, and to be in full Satisfaction of all the Trouble and Expences which every such Commissioner or Umpire shall be put unto at or on every such Meeting for the Purpose of executing this Act.

Allowance to
Commission-
ers.

LIV. And be it further enacted, That the said Sir *William Gibbons* Baronet, of *Stanwell*, in the said County of *Middlesex*, one of His Majesty's Justices of the Peace for the County of *Middlesex*, shall be and he is hereby appointed Auditor of the Commissioners Accounts; and in case of his Death or Refusal to act, then some other fit and proper Person, not interested

Appointment
of Auditor.

interested in the Premises, shall be appointed Auditor for that Purpose by the Majority in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors liable to the Payment of the Expences of obtaining and executing this Act, as often as Occasion shall require; and the Account of the said Commissioners, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble and Expences, shall at least Once in every Year from the passing of this Act, until such Account shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor, and the Balance by him stated in the Book of Accounts to be kept in the Office of the Clerk to the Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by the said Auditor for the Time being as aforesaid.

Award to be made.

LV. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Common Lands and Grounds shall have been made and completed, pursuant to the Directions of this Act, the Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Awards, or Instrument or Instruments in Writing, with one or more proper Plan or Plans thereto annexed, in the Manner prescribed by the said Act of the Forty-first Year of the Reign of His present Majesty, which said Award or Awards, Instrument or Instruments, shall be fairly engrossed or written on Parchment, and be signed by the said Commissioners, and shall within Twelve Calendar Months next after the same shall have been signed as aforesaid, be deposited with the Clerk of the Peace of the said County of *Middlesex*, who is hereby required to receive, keep, and deposit the same amongst the Records of the said County; for the depositing of which the Sum of Three Guineas, and no more, shall be paid, to the end that Recourse may be had thereto by all Persons interested in the said Division and Inclosure; for the Inspection of which said Award or Awards, Instrument or Instruments, One Shilling each shall be paid, and no more; and a true Copy thereof, or of any Part thereof, when and as often as the same shall be required, shall be delivered to any Person or Persons, signed by the Clerk of the Peace or his Deputy for the Time being, purporting the same to be a true Copy, for which no more than Three-pence *per* Sheet, reckoning Seventy-two Words as each Sheet, shall be paid; which said Copy, as also the original Award or Awards, Instrument or Instruments, and the Copies herein-after directed to be written on Parchment and signed by the said Commissioners, shall at all Times hereafter be admitted as legal Evidence in all Courts whatsoever; and the said Commissioners are hereby directed and required to deliver a Copy of the said Award or Awards, Instrument or Instruments, fairly written on Parchment, with a proper Plan or Plans thereto annexed, signed by the said Commissioners as aforesaid, unto the Churchwardens of the Parish of *East Bedfont* for the Time being, to be by them the said Churchwardens deposited in the Parish Chest of the Parish Church aforesaid; to the end that Recourse may be had thereto by the several and respective Proprietors or Parties interested therein.

Appeal to the Quarter Sessions.

LVI. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of

of the said Act of the Forty-first Year of His present Majesty, or of this Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are by this Act and the said recited Act directed to be final and conclusive, and also where Provision is made for Trial at Law as herein-before mentioned), he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the County of *Middlesex*, within Four Calendar Months next after such Complaint shall have arisen; and the Justices at the same Quarter Sessions are hereby required to hear and determine the Matter of such Complaint, and to make such Order therein, and award such Costs as they may think reasonable; and to direct such Costs so awarded, if not paid upon Demand, to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

LVII. Provided always, and be it further enacted and declared, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord or Lords of the said Manor for the Time being, of or to the Seigniories and Royalties incident or belonging to the said Manor of *East Bedfont with Hatton*, of, in, and to the Mines, Minerals, and Quarries, of what Nature or Kind soever, lying under the said Waste Lands intended to be divided, nor with the free Liberty of searching for, winning, and working the same, or leading away the Produce thereof in the best Manner used or hereafter to be used and devised for these Purposes, making a reasonable Compensation to the Owner or Owners of the Soil of such Allotments as may be injured, for all Damage or Spoil of Ground to be occasioned thereby; but that the Lord or Lords of the said Manor for the Time being shall and may at all Times hereafter hold and enjoy the same Right of Free Warren, and all other Rights and Services, Courts, Franchises, and Seigniories, Royalties, Privileges, and Appurtenances to the said Manor incident or belonging, other than such Rights of Common and other Rights as are intended to be barred, extinguished, or destroyed by this Act, for the Purposes of this Inclosure, for which Compensation is herein-before directed to be made, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as he, she, or they could or might have held or enjoyed the same in case this Act had not been passed.

General
Saving of
Manorial
Rights.

LVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except such as are meant and intended to be barred and destroyed by this Act), all such Estate, Right, Title, and Interest, of, in, to, or in respect of the Commons and Waste Lands to be divided, allotted, and exchanged by virtue of this Act, as he, they, and every of them, had and enjoyed before the passing of this Act, or might or could have had or enjoyed in case this Act had not been passed.

General
Saving.

Act made
Evidence.

LIX. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1813.